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By:

Laurie Olds

LUD 5298.4-JEL/NDH

#6
JD**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Miyazono, et al.
Serial No. : 09/903,068
Filed : July 11, 2001
For : ACTIVIN RECEPTOR LIKE KINASES, PROTEINS
HAVING SERINE THREONINE KINASE
DOMAINS, AND THEIR USE
Group : 1647
Examiner : Robert Landsman

October 14, 2002

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

**RESPONSE TO
RESTRICTION REQUIREMENT**

SIR:

This is in response to the restriction requirement of September 19.

The restriction requirement is confusing because, in Groups I-VI, the examiner refers to amino acids of SEQ ID NO: 2; however, SEQ ID NO: 2 is mentioned only in claim 33. Hence, the restriction requirement is confusing, as it refers to subject matter not claimed.

Applicants will respond on the basis of the claims, rather than the content of the restriction requirement in the action, and elect Group V, claims 32 & 37. Claim 32 is generic, and claim 37 is drawn to a species, where the antibodies are specific to "hALK5," i.e., they bind to amino acids 158-174 of SEQ ID NO: 10, NOT SEQ ID NO: 2.

The election is made with traverse. As can be seen from the restriction requirement, all of the claims are classified identically. Hence, the search criteria would be the same. Further, in

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the parent case, the examiner clearly and unequivocally found the ALKs, to constitute a single, generic invention. See U.S. Patent No. 6,331,621.

Claim 32 is clearly and unequivocally a linking claim. In connection therewith, the examiner's attention is drawn to MPEP 809 & 809.02, which call for examination of the claim over its entire scope. Examination of species is also called for.

In view of the relationship between the claims, and standard practice as evidenced by the MPEP, withdrawal of the restriction requirement, and allowance of the application is believed proper and is urged.

Respectfully submitted,

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